



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)
Deadline – Wednesday, June 30, 2010

I. Provide your:

- A. Full legal name and any former names.

Bryce Douglass Owens

- B. Current home and office addresses, including email addresses and telephone numbers.

Home:

Office: 119 North Pendleton Avenue, Pendleton, Indiana 46064

Email: owens.bryce@gmail.com

Telephone: 765-232-4706

- C. Date and place of birth.

I was born September 21, 1959 in Bedford, Indiana.

- D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

Attached

- II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

Attached

- III. A. State in what county you currently reside and since what date.

I reside in Madison County, Indiana and have since September 1959, with the exceptions itemized in B.

- B. List all previous counties of residence, with dates.

I lived in Nashville, Tennessee from fall 1978 to spring of 1982 while completing my undergraduate degree at Vanderbilt University.

I lived in Monroe County, Indiana from fall 1982 to spring 1985 while attending Indiana University School of Law.

I lived in St. Joseph County, South Bend, Indiana from summer 1985 to summer of 1986 while I served as a law clerk in the United States Bankruptcy Court for the Northern District of Indiana.

I lived in Union County, Indiana for a few months in the spring of 2004.

- C. When were you admitted to the Indiana Bar?

I was admitted to the Indiana Bar in June, 1985.

- D. Are you currently on active status?

I am currently on active status.

- E. What is your attorney number?

My attorney number is 10424-48.

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Vanderbilt University	1978 – 1982	BA cum laude

B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University Law School	1982 – 1985	J. D. cum laude

C. Describe any academic honors, awards, and scholarships you received and when.

I was recognized for receiving an “A+” in documenting financial transactions in the spring of 1985 at IU Law School.

I received National Merit Scholar recognition in 1978.

I received a NROTC Scholarship. I was a midshipman in the NROTC unit at Vanderbilt University, 1978 – 1980.

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

I worked part time, while a law student, from 1983 to 1985 for an attorney in Spencer, Indiana.

I was a law clerk to the Honorable Robert K. Rodibaugh, United States Bankruptcy Court, Northern District of Indiana from summer 1985 to summer 1986.

I have been in private practice with firm of OWENS & OWENS as a partner in Pendleton, Indiana since 1986.

I was vice president and counsel to Madison County Abstract & Title, Inc., a closely held title agency with offices in several counties, from 1986 to 2000.

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

I have been a partner in private practice with OWENS & OWENS at 119 North Pendleton Avenue, Pendleton, Indiana, since 1986. My father has practiced in Pendleton since 1959. I have practiced primarily in Madison and Hancock Counties, but have also handled cases in many other counties and in

the United States District Court on an occasional basis. I also practice in the United States Bankruptcy Court for the Southern District of Indiana.

My personal approach to issues is as a problem solver. I bring the practitioner's perspective to the situations that are presented. I like to think I am known for being fair, diligent and accurate.

I have extensive experience in the real estate area. I took one of the last Titles classes taught by Professor Oliver at Indiana University Law School. I have handled a variety of residential and commercial real estate transactions, including a number of Section 1031 exchanges. I have handled a number of real estate cases, including a wide variety of issues. I also carried an Indiana Title Insurance license for a number of years and I am a Notary Public.

I have extensive experience in the probate area. I have written many Wills and Trusts. I have handled many Estates, both supervised and unsupervised.

Twenty years ago a large part of my practice was devoted to family law. The proportion is much smaller now, but I do still handle domestic relations matters. I have performed marriages. I have handled adoptions. I have represented people involved in CHINS proceedings.

I have handled cases in the bankruptcy area since the beginning of my practice. I took both Bankruptcy and Advanced Bankruptcy at Indiana University Law School. My partner and I represented local banks and protected their interests in cases that they were involved in for a number of years. More recently, my practice has been debtor oriented. I have filed cases under both Chapter 7 and Chapter 13 of the newest revisions to the Bankruptcy Code. I have a greater interest in cases under Chapter 13.

I have handled foreclosures of mortgages for creditors. I have also handled real estate sales and contract cases.

I have handled a variety of personal injury cases from the plaintiff's perspective, including jury trials.

I have handled the defense of several personal injury cases, most of which were ultimately resolved through mediation.

I represent a number of businesses. This representation has included the formation of the businesses as corporations or LLC's or partnerships. I have also handled a number of tax problems for both individuals and businesses.

I have handled a number of appeals from both the appellant and appellee perspective. I have been certified as a Domestic Relations Mediator and have successfully mediated a number of domestic relations cases.

C. Describe the extent of your jury experience, if any.

I have handled several jury trials. My jury experience includes the defense side of several criminal cases up to an "A" felony. I have also handled a number of civil jury trials over a variety of issues, from both the plaintiff's and defendant's perspective.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

I have served as a judge pro tem on a number of occasions, primarily in the Madison County Superior Court Division One. My services as judge pro tem included short civil hearings of up to three hours, as well as rulings on probate matters. I have not presided over a jury trial.

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

- 1. Goulding v. Dulworth, Case No. 48A04-0504-CV-00228, Appellant's Brief in Response to Petition To Transfer, January 6, 2006.**
- 2. Goulding v. Dulworth, Case No. 48A04-0504-CV-00228, Appellant's Brief, August 23, 2005.**
- 3. Reynolds v. Branham, Case No. 33A01-0401-CV-13, Appellant's Brief, January 27, 2004.**
- 4. AllState Insurance Company v. Kristi S. Walton, Richard A. Walton, James Thompson and Qua Thompson 1:03-CV-0188-JDT-WTL, Answer Brief of Thompson In Support Of Objection To AllState's Motion For Summary Judgment, March 9, 2004.**
- 5. In re: Mundell, January 12, 2010 Case No. 08-00402-JCK-13 United States Bankruptcy Court, Southern District of Indiana, Brief of Debtor.**

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

1. I made a suggestion to the Legislative Service Agency and the Governor's office that the statute which required a separate page certification concerning social security numbers on a recorded document be changed to allow the recitation at the end of the document to reduce waste and expense. Changes consistent with my suggestion were implemented.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

Answer: None

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Attached

1. **Goulding v. Dulworth, Case No. 48A04-0504-CV-00228, Appellant's Brief in Response to Petition To Transfer, January 6, 2006.**
2. **In re: Mundell, January 12, 2010 Case No. 08-00402-JCK-13 United States Bankruptcy Court, Southern District of Indiana, Brief of Debtor.**
3. **Reynolds v. Branham, Case No. 33A01-0401-CV-13, Appellant's Brief, January 27, 2004.**
4. **AllState Insurance Company v. Kristi S. Walton, Richard A. Walton, James Thompson and Qua Thompson 1:03-CV-0188-JDT-WTL, Answer Brief of Thompson In Support Of Objection To AllState's Motion For Summary Judgment, March 9, 2004.**

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

1. I am registered to provide *pro bono* with District 6, Access to Justice, Inc.
2. I have provided *pro bono* legal services from time to time, primarily in the family law area in situations where I was satisfied that the client had significant legal need, yet lacked resourced for adequate representations, that that loss would have a significant impact. The most time consuming of these cases have involved clients who had physical or mental disabilities. I have consistently spent at least 50 hours per year on these types of matter.

3. I have also served as a volunteer appellate judge on the Indiana University Law School Moot Court panels. I have served on at least two panels each year for the past several years. The first several years I served as a first round judge, my present service has been as a second round judge.
4. I have also served, for the past twelve years or so, as a volunteer member of an investment review board for our local South Madison Community Foundation.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

1. I recently served as a co-personal representative of a substantial estate resulting from the passing of an elderly client. The estate was complicated with a will contest and extensive negotiations involving substantial charitable bequest. The testator was estranged from his family who were also important members of our compact community. The negotiation of the issues included a preeminent goal of preserving the testator's intent while at the same time trying to not alienate the family. This was important because the testator's expressed intent has been protected without alienating the family or unnecessarily depleting the estate with excessive litigation.
2. I presently represent a lady who went through a long and difficult dissolution proceeding while I was representing her in regard to financial issues. Her former husband passed away approximately eight months after their dissolution was final and left her as the beneficiary to his 401(k) account. Neither had ever had any children. The decedent left no will or other instructions. Decedent's sibling and mother have instituted litigation attempting to obtain from my client the 401(k) funds, which she received as his designated beneficiary. There are significant funds. This situation is important because it deals with the interrelationship between principals of contract and principals of probate. The family is of the common sense opinion that the former wife should not receive any funds. The former wife is the beneficiary pursuant to the contract. Former wife also has significant health issues and suffered an amputation during the dissolution proceeding. The case has not yet been resolved.
3. I represented a gentleman "John" who had been engaged and living with a lady "Mary" who bore a child "Cathy". John and Mary lived together as a family with Cathy for a period of time, but the relationship dissolved and Mary moved out leaving the child, Cathy, with John. John raised Cathy as his daughter and was the sole provider for a period of a year or so while she was a toddler. Mary then got on her feet to some extent and Cathy went to live with Mary but still visited regularly with John until Cathy

was about 4 years old. Mary ended up on public assistance and a paternity case was initiated by the local prosecutor to establish child support obligations. A DNA test done in conjunction with the paternity case showed to John's complete surprise that, in fact, he was not the biological father of Cathy. John was very involved with his daughter and willing to pay child support and continue to visit. Mary severed contact between Cathy and John. I filed suit on behalf of John to establish his rights to continue his long-established relationship as a defacto parent with Cathy. This was important since Cathy had bonded psychologically with John and would have suffered great harm if the relationship was terminated. We now have legislature dealing with this type of situation.

4. I represented a land owner in a case vs. Indiana National Bank, which dealt with the perfection of security interests and the issue of constructive attachment of fixtures to real estate. Land Owner purchased a farm which included a dairy operation and was improved with a slurry store. Indiana National Bank had a security interest in personal property on the farm but had not made a fixture filing. Indiana National Bank removed a wheel-mounted pump from the property, which was essential to the operation of the slurry store. The trial court ruled that the wheel-mounted pump could not be part of the real estate. The Court of Appeals reversed. This case was significant because it dealt with the elements of what is a fixture to real estate and the relationship between priorities of real estate liens and personal property liens. I understand this case was latter the basis of a bar exam question.
5. I represented a large group of property owners who were opposed to being annexed by a nearby town. I brought an action on their behalf against the town and also against the State contending in part that the statutory mechanism where real estate contiguous to municipalities could be annexed with only constructive notice to the land owners was unconstitutional. The case was ultimately resolved through the political process when members of the group I represented ran an opposition party in the town election, and was successful. I served as town attorney for approximately ten years after that. The specific issue that I raised concerning the annexation procedure has since been legislatively resolved. This case was significant because it dealt with the constitutional rights to due process and notice by homeowners, and because it was ultimately resolved through an agreement reached through the political process distinct from the litigation itself. The legislature later addressed some of the issues raised.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

1. **Mark R. Smith, SMITH FISHER MAAS & HOWARD, PC. 7209 N. Shadeland Avenue, Indianapolis, Indian 46250. 317-578-1900**
2. **John D. Ritchison, 115 E. 9th Street, Suite A., Anderson, Indiana 46016 765-640-4134**
3. **Ronald L. McNabney, 917 Meridian Street, PO Box 1137, Anderson, Indiana 46016. 765-644-0200**

VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

1. **I successfully completed the mediation classes and am registered as a Domestic Relations Mediator. I have successfully mediated several domestic relations cases.**
2. **I volunteered to speak to government classes in our local secondary school system on the legal system on a number of occasions.**
3. **I have volunteered for "Talk to a Lawyer" in our community.**

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

1. **I served as a precinct committeeman for several years and worked at the polls on a number of election days, serving in several capacities, including that of inspector and judge.**
2. **I have written a number of contributions to the local press, one of which was featured as an opinion headline item in the Anderson Herald Bulletin. The article dealt with the importance of the local police setting a good example of compliance with the various laws that regulate our conduct.**
3. **I was the Republican nominee for Madison County Circuit Judge in 2000.**
4. **I portrayed Abraham Lincoln during the 1858 Senate race as part of a local festival.**

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

1. I have been a member of the Pendleton Lions Club in Pendleton, Indiana since 1986, including service as president. Lions Club International is the largest service organization in the world. Lions International is involved in many forms of charitable relief. Historically, their primary charitable focus was on providing services to the blind and visually impaired. I served for a number of years as chairman of the eyeglass recycling committee and coordinated the direct new eyeglass program for disadvantaged persons.
2. I am a life member of the Appalachian Trail Conservancy and have been a member since 1986. The Appalachian Trail Conservancy is a national organization charged with the care of the Appalachian Trail.
3. I am a life member of the Indiana University Alumni Association and have been a member since 1985. I am vice president of the Madison County Alumni chapter.
4. I have been a member of the financial and investment board of the South Madison Community Foundation for more than twelve years. The Foundation has stewardship of an endowment of several million dollars. Income from the investments support a variety of charitable interests.
5. I have been recognized for membership in the 1820 Society of Indiana University, which provides recognition for annual donors.
6. I am a Hoosier Hundred Athlete level donor to Indiana University.
7. I have been a member of the Indiana Repertory Society.
8. I am presently leading groups of young persons that we take to events funded by Charlie's Fund for Children. We have been to the Indiana Repertory Theater, Symphony on the Prairie and are going to an Indians game.

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

I was admitted to practice in the state and federal courts in Indiana 1985.

I became a member of the United States Supreme Court Bar in May, 1989.

I have been a member of the Indiana State and Madison County Bar Associations throughout my professional career.

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

Answer: None

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

Answer: None

G. Describe your hobbies and other leisure activities.

1. **I have become a gentleman farmer. I have been building fences, putting up hay and raising a few llamas and alpacas. I have planted my first two hops. I am also starting to brew beer. I have three batches bottled and am cautiously optimistic.**
2. **I love to travel. I was raised in the same small town that I have now practiced law in since 1986, and yet throughout my childhood and my adult life I have always had a curiosity about other places and other people. We have been fortunate in our ability to see other places. I first visited Europe in 1978. I have visited Canada, Mexico, Belize, Honduras and Grand Cayman. I have visited most of the states and been fortunate enough to make several trips to Hawaii, having spent approximately two months total there. The different places in our world are amazing things to experience. I always enjoy meeting people and talking to them and learning about their places and experiences. We recently attended a class at the New Orleans Cooking School and the conversation that took place with the instructor took us far afield from the topic of cooking. The impact of the hurricane on the Gulf Coast and on the New Orleans area in particular is hard to describe. The impact it has had on the people who live or lived there is tremendous and continuing. We have taken the California Zephyr to San Francisco.**
4. **I love to read and always have. I can remember in elementary school being teased for passing up recess opportunities in order to read more.**

My professional vocation obviously involves a lot of reading, yet when I do have free time, I enjoy recreationally reading. I strongly believe that life is a learning experience. A recent book I enjoyed was How to Brew Like a Monk about the Monastic brewing tradition in Belgium. I have a Kindle now which is an amazing technology.

4. I enjoy outdoor activities. I grew up in the Boy Scouts and was involved as an adult while my son was a member. He is an Eagle Scout. We have backpacked, camped, hiked and canoed. I have hiked about 400 miles of the Appalachian Trail. I now have a kayak and have been using it.
5. I am interested in history and architecture. I am presently renovating a pre-civil war home in Madison County. I visited the French Quarter of New Orleans where my wife and I had the opportunity to see some of the oldest remaining colonial structures in the United States. We have visited areas in the United Kingdom that give us an entirely different sense of what history means.
6. I have an interest in aviation. I am a third generation private pilot. I have been able to incorporate my interest in aviation with our travels. I took an acrobatic flight lesson over the Napa Valley. I flew around the island of Oahu, and I landed at Wright Patterson Air Force Base.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

Max Howard
HOWARD DELEY & DUDLEY
Suite 1, 403 W. 8th Street
Anderson, Indiana 46016
765-640-2600

James O. Anderson, Jr.
800 Main Street, Suite 210
Anderson, Indiana 46016
765-643-3100

Judge Dennis D. Carroll
Room 404, 16 E. 9th Street
Anderson, Indiana 46016
765-641-9622

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

Jeff Williams
Vice President Facility Operations
Major Hospital
Shelbyville, Indiana
PO Box 291
Fortville, Indiana 46040
317-840-6609 cell
Jeffwilliams@ceoexpress.com

John E. Etchison
4407 Golfview Drive
Anderson, Indiana 46011
765-649-2496 home
765-639-9229 cell

Lisa A. Floyd
South Madison Community Foundation
233 South Main Street
Pendleton, Indiana 46064
765-778-8444 office

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

1. I was divorced from my former spouse, Sara Owens, in 1989 under Cause No. 80C01-8807-DR-166.
2. I was a defendant in a case pending in Hancock County, Indiana, Alison Ellison v. Shawn Kearns, Individually, Shawn Kearns, As Trustee of the Hasek-Kearns Revocable Trust, and Lutheran Social Services of Mid America f/k/a Lutheran Social Services of the Miami Valley v. G. Douglass Owens and Bryce D. Owens, Cause No. 30D01-0512-CT-882. The essence of the case was a dispute between a buyer and seller under a contract. Seller also contended that our firm made a mistake on a legal description some years ago.
3. I am a defendant in a case pending in Madison County, Indiana, Morgan & Associates, Inc., and Ronald W. Plassman v. Madison County Abstract and Title Corp., Bryce D. Owens, G. Douglass Owens, Tod O. Owens, and Angus D. Owens, under Cause No. 48D02-0110-CP-000791. A brief summary of this case is that Madison County Abstract and Title, Inc., a

closely held title insurance agency shareholder, was acquired. The litigation contended basically that the out-of-pocket expenses were greater than a stop loss provision.

4. I am a minor heir in an unsettled Estate pending in Lawrence County: In the Matter Of The Estate Of Bernice Reba Rainey, Cause No. 47C01-0605-ES-52.

5. I have been a party/plaintiff in several collection and landlord cases.

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

Answer: None

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

Answer: None

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

Answer: None

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

Answer: None

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

Answer: Yes

6/29/2010
DATE


APPLICANT'S SIGNATURE

Bryce A Owens
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

6/29/2010
DATE


APPLICANT'S SIGNATURE

Bryce A Owens
PRINTED NAME